

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

**MOUNTAIN VALLEY PIPELINE, LLC,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 5:23-cv-00625**

**MELINDA ANN TUHUS,**

**Defendant.**

**MOUNTAIN VALLEY PIPELINE, LLC,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 5:23-cv-00626**

**ROSE ZHENG ABRAMOFF,**

**Defendant.**

**REPORT OF PARTIES' PLANNING MEETING AND PROPOSED DISCOVERY PLAN**

Pursuant to Fed. R. Civ. P. 26(f), LR 16.1 and 26.5 and the Court's First Order and Notice Regarding Discovery and Scheduling, a telephonic conference was held on November 21, 2023.

The following counsel participated in the conference:

- (a) William V. DePaulo, counsel for Defendants Melinda Ann Tuhus and Rose Zheng Abramoff ("Defendants").
  - (b) Timothy M. Miller and Austin D. Rogers, counsel for Plaintiff Mountain Valley Pipeline ("Plaintiff").
1. The parties will exchange the initial disclosures required by Rule 26(a)(1)(A) and the Court's First Order and Notice by January 9, 2024.
  2. The parties jointly recommend that the case not be placed on the Complex track.

3. The parties submit that this action is not suitable for any Alternative Dispute Resolution (“ADR”) mechanism at this time.

4. The parties jointly recommend April 1, 2024 as the cut-off date for amending the pleadings and/or adding additional parties.

5. The parties do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

6. Proposed Discovery Plan. The parties recommend discovery to be completed by August 16, 2024 and the following deadlines:

- Rule 26(a)(2) expert disclosures by party with burden: JUNE 1, 2024
- Rule 26(a)(2) expert disclosures by party without burden: JULY 1, 2024
- Dispositive motions to be filed by: SEPTEMBER 23, 2024
- Responses to dispositive motions to be filed by: OCTOBER 14, 2024
- Replies in support of a party’s dispositive motions to be filed by: OCTOBER 28, 2024
- Pretrial disclosures under Fed. R. Civ. P. 26(a)(3) by: NOVEMBER 26, 2024
- Objections to pretrial disclosures by: DECEMBER 20, 2024
- Jury instructions, voir dire questions, and verdict form by: NOVEMBER 21, 2024
- Objections to jury instructions, voir dire questions, and verdict form by: DECEMBER 7, 2024
- Motions in limine by: NOVEMBER 21, 2024
- Objections to motions in limine by: DECEMBER 5, 2024
- Joint Final Pretrial Conference Order by: DECEMBER 20, 2024

- Pretrial conference: JANUARY 7, 2025
- Mediation before: SEPTEMBER 16, 2024
- Trial: JANUARY 21, 2025

(c) Examinations/Inspections: N/A

7. ESI and other matters relating to discovery: The parties have discussed disclosure of electronically stored information and agree to provide such information in paper format or PDF, flash drive or other suitable format, subject to objections to the disclosure of that information. If a party believes that it is necessary that it be provided with electronically stored information in its native format, such party may so request, and the parties agree to work toward a reasonable resolution of any such request. To the extent the parties are unable to agree and/or disputes arise in the course of discovery regarding electronically stored information, the parties will submit them to the Court in accordance with Local Rules and the Federal Rules of Civil Procedure.

Dated: December 4, 2023

Respectfully submitted,

**MOUNTAIN VALLEY PIPELINE, LLC,**

By Counsel

/s/ Austin D. Rogers

Timothy M. Miller, Esquire (WVSB #2564)

Matthew S. Casto, Esquire (WVSB #8174)

Robert M. Stonestreet, Esquire (WVSB # 9370)

Jennifer J. Hicks, Esquire (WVSB # 11423)

Austin D. Rogers, Esquire (WVSB #13919)

**BABST CALLAND, P.C.**

300 Summers Street, Suite 1000

Charleston, WV 25301

Telephone: 681.205.8888

Facsimile: 681.205.8814

[tmiller@babstcalland.com](mailto:tmiller@babstcalland.com)  
[mcasto@babstcalland.com](mailto:mcasto@babstcalland.com)  
[rstonestreet@babstcalland.com](mailto:rstonestreet@babstcalland.com)  
[jhicks@babstcalland.com](mailto:jhicks@babstcalland.com)  
[arogers@babstcalland.com](mailto:arogers@babstcalland.com)  
*Counsel for Plaintiff*

**MELINDA ANN TUHUS and  
ROSE ZHENG ABRAMOFF,**

By Counsel

/s/ William V. DePaulo (with permission)  
William V. DePaulo, Esquire (WVSB #995)  
860 Court Street North, Suite 300  
Lewisburg, WV 24901  
Tel: 304-342-5588  
Fax: 866-850-1501  
[william.depaulo@gmail.com](mailto:william.depaulo@gmail.com)  
*Counsel for Defendants*

**IN THE UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

**MOUNTAIN VALLEY PIPELINE, LLC,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 5:23-cv-00625**

**MELINDA ANN TUHUS,**

**Defendant.**

**MOUNTAIN VALLEY PIPELINE, LLC,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 5:23-cv-00626**

**ROSE ZHENG ABRAMOFF,**

**Defendant.**

**CERTIFICATE OF SERVICE**

The undersigned, as counsel for Plaintiff Mountain Valley Pipeline, LLC hereby certifies that a true and correct copy of the foregoing Report of the Parties' Planning Meeting and Proposed Discovery Plan was electronically filed this 4<sup>th</sup> day of December 2023, through this Court's CM/ECF system which will send an electronic notification to all parties.

William V. DePaulo, Esquire  
860 Court Street North, Suite 300  
Lewisburg, WV 24901  
*Counsel for Defendants*

/s/ Austin D. Rogers

Austin D. Rogers, Esquire (WVSB #13919)